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Re: OMB Control No. 3060-1228; FCC WC Docket No. 16-271

COMMENTS OF ALASKA TELEPHONE ASSOCIATION

Alaska Telephone Association ("ATA"), on behalf of its members, hereby comments on the request submitted by the Federal Communications Commission ("FCC" or "Commission") for Office of Management and Budget ("OMB") approval, under the Paperwork Reduction Act ("PRA"),[1] of a portion of the information collection pending under the above control number.[2] Specifically, ATA comments on the FCC's proposal for collecting middle mile information from carrier-participants in the Alaska Plan, the FCC's universal service program to support deployment and upgrades of communications networks in remote Alaska. While the FCC has estimated an average cost of $2400 per respondent for each collection, the actual costs to comply could average many times that. The excessive burden results in large part from requirements to collect unnecessary information and to report it to within 7.6 meters of accuracy—a standard that requires extensive travel to remote villages to collect data on site. The FCC's proposed collection does not comply with the PRA.

I. INTRODUCTION AND SUMMARY

ATA's members participating in the Alaska Plan are proud to do so and take seriously the obligations that come with receiving high-cost support to deploy and upgrade broadband networks in remote Alaska. Among those obligations are reporting requirements that are a part of this PRA review. Alaska Plan participants have no objection

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1 44 U.S.C. § 3501 *et seq.*

2 *See* Information Collection Being Submitted for Review and Approval to the Office of Management and Budget, Public Notice, 82 Fed. Reg. 58,392 (Dec. 12, 2017) ("*Request for Approval*").

to most of the reporting obligations that the FCC has proposed. ATA's comments here are limited to portions of the requirements to report middle mile information.

The Alaska Plan participants have no objection to reasonable requirements to report their middle mile infrastructure. The middle mile reporting obligations for which the FCC seeks OMB approval, however, are not reasonable. The FCC's requirements go beyond what is necessary to implement and enforce the Alaska Plan and would create a substantial burden on the Alaska Plan participants in the form of extensive travel to remote villages during the harsh Alaska winter and costs of reporting unnecessary information. The requirements are unnecessarily broad in scope, and the required level of accuracy precludes the use of many existing records as well as desktop geolocation technology. OMB should not approve the FCC's proposal as presented.

II. BACKGROUND

A. The Alaska Plan

The Commission has long recognized the challenges of deploying and operating communications networks in remote Alaska. The vast distances, harsh climate, short construction season, and widely dispersed population all contribute to the difficulties of providing modern communications services. In August 2016, the Commission adopted the *Alaska Plan Order* "designed to maintain, extend, and upgrade broadband service across all areas of Alaska served by rate-of-return carriers and their wireless affiliates."[3] The carriers

[3] *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd. 10,167 (2016) ("*Alaska Plan Order*") (footnote omitted), *pet. for recon pending*, Petition for Reconsideration of Alaska Telephone Association, WC Docket No. 16-271 (filed Oct. 10, 2017) ("Petition for Reconsideration").

that opted to participate in the Alaska Plan each made specific, individualized commitments to maintain and upgrade service in exchange for receiving a fixed amount of high-cost universal service support over ten years.

The Alaska Plan allowed each participant—fifteen wireline rate-of-return carriers and eight mobile wireless carriers—to develop tailored performance commitments that take into account one of the major factors affecting the level of broadband service available to a community: the middle mile.[4] Alaska's remote population tends to be clustered in villages and communities that are separated from each other. The communications facilities in one village or community are connected to the larger network by middle mile facilities. In some areas of Alaska, the facility available to connect the communications network of one village to the outside world is a satellite connection. In other areas, microwave or fiber middle mile facilities are available. These facilities are a chokepoint for broadband services—the quality of broadband available to the community can be no better than what the available middle mile facility can support. If a community is served by satellite middle mile, for example, broadband download speeds will be limited to around 1 Mbps. This remains true even if the facilities within the community have been recently upgraded, even to fiber—broadband Internet access services will still be limited by the nature of the middle mile facilities over which the service must run.

While taking into account these limitations, the Commission also wanted to ensure that, as new middle mile facilities become available, Alaska Plan participants' performance

[4] *See Alaska Plan Order* at 10,146 ¶ 17; *see also, e.g.*, *id.* at 10,167 ¶ 86.

plans are reviewed and possibly adjusted to account for the new capabilities.[5] To support the evaluation of these adjustments, the Commission required Alaska Plan participants to submit maps of the fiber and microwave middle mile facilities and to update them annually "if they have deployed middle mile facilities in the prior calendar year that are or will be used to support their service in eligible areas."[6] The Commission did not include detailed filing instructions in the *Alaska Plan Order* but required participants to submit their maps "in a format specified by the Bureaus."[7]

B. The Bureaus' Middle Mile Mapping Requirements

On September 8, 2017, the Bureaus released the instructions for Alaska Plan participants to follow in submitting their maps.[8] The Bureaus requires that Alaska Plan participants report the location of their fiber and microwave middle mile facilities, as instructed by the Commission in the *Alaska Plan Order*. The Bureaus instructed that the entire span of middle mile facilities, as well as the locations of starting and ending "nodes," be reported to within 7.6 meters at a 95 percent confidence level.[9] In addition to requiring

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5 *See id.* at 10,148 ¶ 25 (requiring rate-of-return participants to meet broadband public interest obligations if backhaul facilities improve sufficiently); 10,158 ¶ 61-62 (directing the Wireline Competition Bureau to take improvements in middle mile infrastructure into account in evaluating rate-of-return carrier performance commitments at set intervals); 10,172 ¶ 102 (requiring mobile participants to upgrade certain performance commitments in response to improvements in middle mile).

6 *See id.* at 10,158 ¶ 60, 10,172-73 ¶ 102.

7 *Id.*

8 *Wireline Competition Bureau and Wireless Telecommunications Bureau Release Instructions for Filing Terrestrial Middle Mile Network Maps*, Public Notice, 32 FCC Rcd. 6863 (Wireline Comp. and Wireless Telecomm'ns Burs. 2017) ("*Middle Mile Mapping PN*" or "*Notice*").

9 "The horizontal (latitude and longitude) accuracy of lines must meet National Standard for Spatial Data Accuracy: accurate to within 7.6m CE95 (FGDC-STD-007, 3-1998), unless it is a

middle mile information, the Bureaus instructed the Alaska Plan participants to submit the geolocation of every cell site, anchor institution "such as schools, libraries, medical and healthcare providers, community colleges, and other institutions of higher education," and locations where links to these connections terminate.[10] The instructions also require that all this information be collected, formatted, and submitted by March 1, 2018 (assuming that the Bureaus receive approval from the Office and Management and Budget by then).[11]

On October 10, 2017, ATA filed a petition for reconsideration of the Bureaus' mapping instructions. ATA stated on behalf of its members that they have no objection to reporting middle mile facilities, but that the Bureaus' mapping instructions expanded the scope to include anchor institutions and individual cell towers, and require a level of accuracy that will require site visits to gather data rather than allow use of existing records and online datasets. ATA also explained that the timing of the collection is unrealistic given the harsh Alaska winter and the lack of daylight.[12] ATA's petition remains pending.

C. The OMB and the Paperwork Reduction Act

The FCC sought comment on the proposed middle mile mapping instructions on September 26, 2017.[13] ATA timely filed comments with the FCC on November 27, 2017. On December 12, 2017, the FCC provided notice that it had submitted the proposed middle

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conceptual depiction, as indicated." *Id.* at 6867. The standard refers to "lines" but as ATA understands it, it must also necessarily apply to the nodes that define those lines.

[10] *See id.* at 6864.

[11] *Id.* at 6864.

[12] *See* Petition for Reconsideration at 7-17.

[13] *See* Information Collection Being Reviewed by the Federal Communications Commission, 82 Fed. Reg. 44,785 (Sept. 26, 2017).

mile mapping instructions—as well as other reporting requirements not addressed here—to OMB for approval.[14] The FCC did not make any changes to its proposed middle mile mapping requirements in response to ATA's comments (or its earlier filed petition for reconsideration). The FCC did acknowledge receipt of ATA's comments in its Supporting Statement, noting that ATA's petition for reconsideration is "currently under consideration in the *Alaska Plan* proceeding" and that ATA "misconstrue[s] [sic] ATA's members' compliance obligations."[15]

III. ARGUMENT

The FCC's proposed information collection violates the PRA in several respects. First, it requires collection of information that is not "necessary" to the implementation and execution of the Alaska Plan. The locations of anchor institutions and cell towers—and the locations of the microwave and fiber links that connect them—are not relevant to whether the middle mile facilities to the community can support better broadband. To the extent that such information might become useful in evaluating service in a particular community, the collection does not yet have "practical utility" because it is merely speculative. Further, the 7.6 meter accuracy requirement is far more granular than needed to understand what middle mile facilities are available to a community, precludes the use of some existing records, and increases the overall burden by requiring site travel rather than the use of desktop geolocation tools. The burden is unjustified, and OMB should not approve the information collection as is.

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[14] *See Request for Approval.*

[15] FCC, Supporting Statement, 3060-1228, Connect America Fund – High Cost Portal Filing (Dec. 2017) ("Supporting Statement").

A. The Anchor Institution, Cell Tower, and Accuracy Requirements Are Not "Necessary" and Lack "Practical Utility"

The FCC has certified to OMB that the entire proposed information collection is "necessary . . . for the proper performance of the functions of the agency" and has "practical utility."[16] In the respects that ATA challenges, it is not.

As explained above, the key facilities that the *Alaska Plan Order* requires to be reported are middle mile facilities—those facilities that connect communities to each other, to the Internet, and to the outside world. These facilities put a "ceiling" on the quality of broadband services that can be provided within a community. When a village's only middle mile connection is a satellite or microwave link, broadband speeds and capacity are necessarily limited, regardless how modern or high-capacity the local facilities are. Were a local carrier, for example, to install new fiber links from the satellite earth station on St. George Island (in the middle of the Bering Sea) to the local school, the speed and performance of the school's broadband connection to the Internet would still be constrained by the performance of the satellite middle mile link. The Commission recognized this reality and accommodated it by allowing Alaska Plan participants to have individually crafted performance plans that take their middle mile situations into account.

Indeed, the final approved performance obligations are defined not by specific location but by middle mile category.[17] For example, ASTAC Wireless committed to

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[16] 44 U.S.C. § 3506(c)(3)(A); 5 C.F.R. § 1320.9(a).

[17] *See Wireless Telecommunications Bureau Approves Performance Plans of the Eight Wireless Providers That Elected To Participate In The Alaska Plan*, Public Notice, 31 FCC Rcd. 13,317 (Wireless Telecomm'ns Bur. 2016) ("*Wireless Commitments Approval PN*"); *Wireline Competition Bureau Authorizes Alaska Plan Support for 13 Alaska Rate-of-Return*

upgrade mobile wireless service in areas with microwave middle mile facilities to 3 Mbps/1 Mbps, but in areas with satellite middle mile facilities, the Wireless Bureau approved commitments to provide service at 768/256 kbps.[18] Similarly on the fixed services side, United Utilities, Inc. committed to upgrade wireline service to locations in areas served by fiber middle mile to 25/3 Mbps, in areas served by microwave middle mile to 10/1 Mbps, and in areas served by satellite middle mile to 1 Mbps/256 kbps.[19] ATA agrees that it is appropriate for the Commission to require Alaska Plan participants to file maps of their current middle mile facilities and to update those maps over time so that the Commission can monitor compliance with each participant's performance commitments and adjust the commitments as allowed by the *Alaska Plan Order*. But those purposes do not require information about facilities serving individual locations or reporting so granular that it requires travel to the site.

1. Anchor institutions and associated links

The *Middle Mile PN* requires Alaska Plan participants to report the geolocation—certified to within 7.6 meters of accuracy—of "anchor institutions, such as schools, libraries, medical and healthcare providers, community colleges, and other institutions of higher education."[20] These connections do not bear on the quality of broadband service

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Companies, Public Notice, 31 FCC Rcd. 13,347 (Wireline Comp. Bur. 2016) ("*Wireline Commitments Approval PN*").

[18] *See Wireless Commitments Approval PN* at 13,320, Appx. A.

[19] *See Wireline Commitments Approval PN* at 13,353.

[20] *Middle Mile Mapping PN* at 6864.

that can be provided to the rest of the community, and the collection of this information is not "necessary."

The PRA requires that mandatory information collections be "necessary," not merely interesting or even informative.[21] Here, the collection of individual anchor institution locations and the links that serve them is not necessary to the implementation of the Alaska Plan. As explained above, the networks within a community—the wired or wireless loops that serve schools and clinics—subtend the same middle mile facilities that serve the rest of the community. No type of connection to an anchor institution—even fiber—will improve the broadband speeds available to the rest of the community when all the community's locations rely on the same middle mile facilities. There are good reasons to install modern facilities to anchor institutions even in areas served with satellite-middle mile facilities. For example, a new fiber connection to a school may be more reliable than copper or fixed wireless, less susceptible to outages, and overall lower cost to maintain. But it does not cause the broadband service available to that school to increase above what the satellite middle mile facility can support and—critically here—it has no bearing on the broadband speeds available to the rest of the community.

The FCC may believe that some anchor institutions do not, in fact, subtend the same middle mile facilities that serve the rest of the community, but in fact are served by

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[21] 44 U.S.C. § 3506(c)(3)(A) (requiring an agency to certify to OMB that its proposed information collection "is necessary for the proper performance of the functions of the agency"); *id.* § 3508 ("Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency. . . . To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary for any reason, the agency may not engage in the collection of information.").

dedicated connections that do not depend on the local inter-village middle mile facilities, and could be augmented to improve service to the rest of the community. ATA is not aware that any of the Alaska Plan participants provide service to any anchor institutions in this way. Nonetheless, as ATA has explained to the FCC, its members are willing to report any such anchor institutions and their associated links.[22]

Possibly the FCC believes that information regarding the connections to individual anchor institutions should be submitted because it might be useful in assessing new performance commitments down the road, or understanding issues outside of the Alaska Plan. ATA does not agree, but in any event such reasons would not justify mandatory reporting of the location of every anchor institution and its associated link in remote Alaska to 7.6 meters. The PRA requires that an information collection must have "practical utility,"[23] meaning "the actual, not merely the theoretical or potential, usefulness of information."[24] The use of the information at this point is, at best, "theoretical or potential." There is no clear need for the information (beyond possibly what ATA has already agreed to provide), demonstrated in part by the fact that anchor institutions are not even mentioned in the *Alaska Plan Order*. Mandatory collection is not consistent with the PRA.

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[22] *See* Letter from Julie A. Veach, Counsel to General Communication, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-271 (filed Dec. 14, 2017), Attach. 1 (proposing to report anchor institutions and their associated links to the extent they are not served by links connecting local exchanges) ("ATA Alternative Proposal").

[23] 44 U.S.C. § 3506(c)(3)(A); 5 C.F.R. § 1320.5(d)(1)(iii) ("To obtain OMB approval of a collection of information, an agency shall demonstrate that it has taken every reasonable step to ensure that the proposed collection of information . . . [h]as practical utility.").

[24] 5 C.F.R. § 1320.3(*l*).

2. Individual cell towers and associated links

The Bureaus included in the middle mile mapping instructions the requirement to report the geolocation of every cell tower relevant to the Alaska Plan and served by fiber or microwave as well as every microwave or fiber link to a cell tower, all to within 7.6 meters of accuracy.[25] This will not inform ongoing compliance with Alaska Plan obligations or identify areas where new middle mile facilities develop, and therefore is not "necessary" to the implementation of the Alaska Plan.[26]

As explained above, the networks within a community—including, typically, the cell towers that serve that community—subtend the same middle mile facilities that serve the rest of the community. Thus, the quality of the mobile wireless broadband service that can be provided to consumers with smartphones in a particular community is limited by the same middle mile facility that serves the rest of the community. A high-capacity fiber link connecting a cell tower to middle mile facilities will do nothing to increase mobile speeds in the community if the middle mile facility is a satellite or microwave connection.

There are also cell towers in remote Alaska that do not rely on the middle mile facilities that serve a community. For example, there are cell towers along highways that may not be near populated areas. There are also cell towers in other uninhabited areas, such as parklands. To the extent that a cell tower does not rely on middle mile facilities that serve a community, the Alaska Plan participants have already agreed to report their

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[25] *See Middle Mile Mapping PN* at 6864, 6867.

[26] 44 U.S.C. §§ 3506(c)(3)(A), 3508.

locations and to map the links that serve them.[27] But information about cell towers that rely on the same middle mile facilities that serve a community is simply not needed.

Possibly the FCC believes that information regarding the connections to individual cell towers must be collected and submitted now because, "if" new middle mile facilities should become available to a particular community, information about the connections to the cell tower or towers within that community "might" be useful to determining what the appropriate speed and performance commitments should be. That may be correct, but it is not a valid basis for requiring ubiquitous and immediate collection and reporting of information regarding all the relevant cell towers in remote Alaska. The PRA requires that an information collection must have "actual, not merely the theoretical or potential, usefulness."[28] The use of the information at this point is indeed only "theoretical or potential" as providers have yet to report even the baseline availability of middle mile facilities, much less whether improvements justify changes to participants' performance commitments. Therefore, its immediate collection does not meet the PRA's requirements.

The *Alaska Plan Order* refers to the collection of information about "backhaul."[29] It is clear, though, that this was not intended to require the collection of information regarding every microwave or fiber link to every cell tower in remote Alaska. First, there is

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[27] *See* ATA Alternative Proposal (proposing to report cell towers and their associated links to the extent that the cell towers are not served by links connecting local exchanges).

[28] 5 C.F.R. § 1320.3(*l*).

[29] *See, e.g.*, *Alaska Plan Order* at 10,167 ¶ 86 ("Participants may also be permitted in particular circumstances to maintain lower levels of technology to a subset of locations due to such limitations as difficult terrain or lack of access to either terrestrial middle mile infrastructure or satellite backhaul providing middle-mile service with technical characteristics comparable to at least microwave backhaul.").

no mention in the *Alaska Plan Order* of collection of information addressing individual cell towers. Second, while the term "backhaul" is commonly used to refer to the connection between cell towers and the next point of aggregation, that is not clearly the use of the term in the *Alaska Plan Order*, which refers to "backhaul" interchangeably with "middle mile" and with regard to both mobile and wireline infrastructure.[30] It would be unreasonable for the Commission to interpret casual usage in one of its orders to mandate collection and reporting of unnecessary information that is also highly burdensome (as described just below).

B. The Cell Tower, Anchor Institution, and Accuracy Requirements Cause Unnecessary and Excessive Burdens

The FCC has certified to OMB that, with respect to the proposed middle mile information collection, it has "reduce[d] to the extent practicable and appropriate the burden on persons who shall provide information to . . . the agency,"[31] and it purportedly has "demonstrated that it has taken every reasonable step to ensure that the proposed collection of information is the least burdensome necessary for the proper performance of the agency's functions and to comply with legal requirements and achieve program

[30] *See, e.g.*, *id.* at 10,158 ¶ 60 ("We also adopt a reporting requirement for newly deployed *backhaul*. We will require Alaska Plan participants to submit fiber network maps or microwave network maps in a format specified by the Bureaus covering eligible areas and to update such maps if they have deployed *middle-mile* facilities in the prior calendar year that are or will be used to support their service in eligible areas.") (emphasis added); *id.* at 10,145 ¶ 15 ("But we recognize that not all [rate-of-return wireline] carriers in Alaska will be able to offer service meeting these speeds due to the unique limitations they face in access to backhaul.").

[31] 44 U.S.C. § 3506(c)(3)(C).

objectives."[32] Unfortunately these statements are not correct with regard to the middle mile mapping requirements as they have been submitted.

As shown above in Section A, the collection is overbroad, requiring the reporting of cell towers, anchor institutions, and their associated links that have no bearing on the implementation of the Alaska Plan. The burdens associated with those parts of the collection are therefore unnecessary. In addition, the accuracy requirement has consequences that increase the burden substantially, by precluding the use of existing records and leaving site visits as the only way to obtain the missing information to the required level of precision. While the FCC has submitted that the burden of the collection is, on average, $2400 per filer per response, that obviously fails to consider the costs of traveling to remote villages (many by airplane), to gather information on site, and create shapefiles and otherwise format the data.

1. The required level of accuracy is unnecessary

The FCC requires that all locations and links that are required to be reported—including middle mile links and nodes that ATA agrees should be reported—must be described to within 7.6 meters of accuracy.[33] This level of accuracy is unnecessarily granular and has several consequences that vastly increase the burden of the collection.

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[32] 5 C.F.R. § 1320.5(d)(1)(i).

[33] *See Middle Mile Mapping PN* at 6867.

First, a requirement of 7.6 meters of accuracy precludes the use of desktop solutions to generate location information accurate enough that filers can certify to its accuracy.[34] ATA is not aware of a desktop solution that will provide the necessarily level of accuracy and confidence level for all points in remote Alaska sufficient for Alaska Plan participants to make the necessary certifications regarding the accuracy of their data. For example, the Alaska Statewide Digital Mapping Initiative produced a satellite mosaic of the state; it is produced to 12.2 meters of accuracy with 90% confidence, which is described as "an accuracy improvement of at least three times for most existing maps of Alaska."[35] While the FCC appears to sanction the use of desktop geolocation for other, similar reporting requirements,[36] here for no explained reason it has required certification of 7.6 meters accuracy at a 95% confidence level. Thus, the available alternatives to provide information are (1) to rely on available records, or (2) to collect the information on site.

The accuracy requirement severely limits the extent to which filers can rely on their existing records; it is not "consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond," as the PRA requires and the FCC has certified.[37] ATA members do not systematically retain

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[34] The information collection thus does not "to the maximum extent practicable, use[] information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public." 44 U.S.C. § 3506(c)(3)(J); 5 C.F.R. § 1320.9(j).

[35] *See* University of Alaska, Geographic Information Network of Alaska, Alaska Statewide Orthomosaic, http://portal.gina.alaska.edu/catalogs/7058-alaska-statewide-orthomosaic.

[36] *See* USAC, Geolocation Methods, https://www.usac.org/_res/documents/hc/pdf/tools/HUBBGeolocationMethods.pdf (advising carriers reporting broadband deployment in the Connect America programs that they may use desktop geolocation solutions, geolocation with GPS in the field, or automated address geocoding) ("USAC Geolocation Methods").

[37] 44 U.S.C. § 3506(c)(3)(E); 5 C.F.R. § 1320.9(e).

information on all the required locations to within 7.6 meters. For example, some antenna structures must receive approval from the Federal Aviation Administration ("FAA") and be registered before they are built. Specifically, these are towers that are more than 200 feet in height and certain other towers near airports.[38] As part of the FAA approval process (for towers requiring such approval), builders must report the latitude and longitude of the proposed tower to the FAA, and the FAA may request that the location—latitude, longitude, and altitude—be certified by a surveyor in what is known as a "1A survey."[39] A 1A survey must be accurate to within 20 feet, or 6.1 meters. Or, the FAA may ask for a "2C survey," which must be accurate to within 50 feet, or 15.2 meters. Or, the FAA may not request a survey. For towers that both required FAA approval and for which the FAA requested a 1A survey, Alaska Plan participants have location information that meets the FCC's 7.6 meter accuracy standard. For all other towers—those for which the FAA required a 2C survey, for which the FAA did not require a survey, or that did not require FAA approval—the participants do not necessarily have the geolocation of towers to within 7.6 meters. In addition, some of the Alaska Plan participants do not own all of the cell towers they use to provide service—for these towers, participants do not necessarily know what, if any, past surveys have been performed or whether those surveys could be made available.

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[38] *See* 47 C.F.R. § 17.7.

[39] *See* U.S. Department of Transportation, Federal Aviation Administration, Form 7460-1, Notice of Proposed Construction or Alternation; Federal Aviation Administration, Survey Accuracy, https://oeaaa.faa.gov/oeaaa/external/content/surveyAccuracy.jsp ("During the aeronautical study process, the FAA may request a certified survey with an accuracy of either 1A (+20 ft horizontally +3 ft vertically) or 2C (+50 ft horizontally +20 ft vertically).").

For other structures, including end offices and anchor institutions, participants generally do not have location information that they could certify as accurate to within 7.6 meters. The same is true for many of the fiber "links" that must be reported—the actual fiber lines that make up the middle mile facilities as well as the connections to anchor institutions and cell towers, which also must be reported to within 7.6 meters for the entire span of the link. For microwave links, this information can be derived from the locations of the endpoints—microwave point-to-point radios create a straight-line connection from one to the other. But fiber links do not necessarily travel in straight lines. Providers know generally where their own fiber facilities are. But their records generally do not reflect where fiber is to within 7.6 meters, or at least not with sufficient precision that the Alaska Plan participants would be able to certify that their reports are accurate.

By failing to allow 2C surveys or the use of more general location information that providers have, the FCC has not maximized its reliance on existing reporting and recordkeeping requirements consistent with the PRA.[40] Nor has it permitted the use of desktop geolocation technologies that it has permitted for with similar reporting requirements.[41] As a consequence, the requirements as written would likely require site visits to gather sufficiently accurate geolocation information.

2. The collection as proposed would be extremely burdensome

The FCC estimated that the cost to each Alaska Plan participant to gather and report the required information would be, on average, $2400 per response, or $7200 per Alaska

[40] *See supra* note 37.

[41] *See* USAC Geolocation Methods.

Plan participant over the 10-year life of the Alaska Plan. As explained above, the scale of the collection to include all towers and anchor institutions served with microwave or fiber facilities as well as the 7.6 meter accuracy requirement would cause the providers to have to travel across their service territories—during the Alaska winter conditions, which include little to no daylight—to gather the necessary information for the March 1, 2018 filing deadline. The FCC's estimate appears to take none of this into account.

To gather the required data—certified accurate to within 7.6 meters—providers would need to travel to locations within their eligible service areas that have a reportable node or link for which the provider does not already have the necessary information. These travel and other costs would far exceed the FCC's estimate:

- Most villages in remote Alaska are not connected by road and are instead accessible by airplane. Some may be clustered such that once personnel have arrived by airplane, nearby communities could be reached by road or by snowmachine. Costs for round trip airfare are estimated at approximately $600 per person. Flights to some locations could be more expensive; in addition, charter flights would also be more but could be more efficient in some cases allowing multiple communities to be visited as legs of a single trip. Local travel would require ground vehicles to be rented if they company does not own them locally.

- For sites requiring travel, it could take approximately eight hours to travel to and from a site and collect GPS coordinates from all the required locations. This is a conservative estimate, as it would be necessary not only to gather point information at nodes such as central offices and towers, but also to gather "link" information for any fiber links to towers or anchor institutions. For sites not requiring travel (because, for example, there are staff in the community), we estimate that data gathering would take one to four hours per site.

- Some providers are concerned that coordinates using standard handheld GPS devices will not yield results sufficiently reliable that the provider can certify their accuracy to 7.6 meters. The cost of a professional 1A survey for a single site ranges from approximately $2500 to $6500 or more, depending on how remote the location is. If more than one site within a community needs to be surveyed (for example, a tower and a school), that would increase the cost.

- In some instances, personnel will require overnight accommodations, further increasing travel costs. In particular, travel during the Alaska winter is heavily weather-dependent, and staff may become stranded in remote areas if weather deteriorates after their arrival.

- Providers would also be required to travel to towers or other nodes that are not located within villages or population centers. We have not attempted to estimate those costs.

- In addition, providers must map middle mile (interexchange) fiber links to within 7.6 meters. To do that, providers would need to identify the precise locations of the poles that support the fiber or the subterranean conduits that contain it. Interexchange fiber links can extend hundreds of miles. Providers have not attempted to estimate the costs here but they would be very substantial.

- Provider employee labor rates are estimated at $125/hour. The FCC's $40/hour estimate does not reflect the Alaska market, but to be conservative we have estimated the costs of the collection using both rates.

- Finally, providers must gather existing records, organize and format their data, and submit it to USAC. In addition to geocoordinates, providers must locate and provide information such as what year a link went live, connection speeds, and other facts. Some providers will need to hire GIS consultants to generate the necessary shapefiles, the cost of which is estimated at $10,000 to $20,000. Others may be able to use in-house personnel.

In total, the cost of the initial data gathering is likely to average between $10,000 to $80,000 per provider or more. These averages do not attempt to account for costs to gather tower locations or fiber span locations outside of populated areas or all end offices and other nodes. The range reflects uncertainty as to whether providers must hire professional surveyors on one end, to not hiring professional surveyors and assuming a $40 per hour rate on the other. In all events, these estimates far exceed the FCC's estimate of $2400 per provider.

The FCC's estimate also reflects a critical misunderstanding of the Alaska Plan participants. To calculate the per-filer average, the FCC stated that there are 15 providers. In fact, however, the FCC's methodology shows that it failed to account for a substantial

amount of the burden. As the FCC explained in its Supporting Statement, "[t]here are 8 mobile wireless carriers participating in the Alaska Plan, and each of those carriers is affiliated with a rate-of-return carrier participating in the plan. As the companies are affiliates and serve the same area, they share middle-mile facilities to serve customers in those areas. Accordingly, 15 rate-of-return carriers may file on behalf of the 8 mobile wireless carriers."[42] This statement incorrectly suggests that there is no cost to gathering and formatting information for mobile wireless participants in the Alaska Plan. This is not correct. Mobile wireless participants must report the locations of their cell towers and the fiber or microwave links that connect them. At a minimum, there is a cost to gather that information and format and submit it. But significantly, at least four of the mobile wireless providers serve areas that their affiliated ILECs do not, meaning that they must conduct site visits to villages and other areas that they would not visit at all if they were only reporting on their ILEC locations.

[42] Supporting Statement at 20 n.1.

IV. CONCLUSION

ATA filed a petition for reconsideration in the hope that the FCC would adjust the reporting requirements to bring the burdens down to a reasonable level. It has not yet done so, and as a result the proposed information collection does not comport with the PRA. Reducing the accuracy standard and the number of locations that must be reported would help to bring the burden to a reasonable level. OMB should not approve the proposed collection as currently written.

Respectfully submitted,

/s/

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